REMARKS

Claims 11-13 and 15-23 are pending in the application. No amendments are made herein. Claims 11-13 and 15-23 are rejected under 35 USC 103(a) as being unpatentable over US patent 6,298,319 (Heile et al.) in view of US patent 6,106,662 (Hoskins et al.).

Response to rejections under 35 USC 103(a)

In the Office Action in section 3, page 4, lines 7-8, Examiner states: "There is no recited claim language to distinguish updating design records *during development of program logic* versus *during operation of the process control system.*" However, the subject clause, copied below, does not recite updating of design records. Instead, it recites a functional linkage for operational data transfer between two part projects. The development process is performed on the programming devices, but the recited operational data transfer occurs between a programmable controller and an operating and observation station during plant operation, not during development. The claim language is clear about this.

> Claims 18 and 19, last clause: "*wherein the two part-projects are functionally linked for operational data transfer therebetween such that, during operation of the process control system for controlling a plant, data of a programmable controller designed or configured by a first of the part projects is exported to an operating and observation station designed or configured by a second of the part projects.*"
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> This recitation is supported in the specification as follows:
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> Applicant's par. 3, lines 2-6: "*This engineering system is a component of a process control system which controls a plant and is, in particular, provided for the configuration of hardware and/or software components, for the design of communications networks and continuous and sequential process operations, and also for the design of operating and observation strategies and for the creation of recipes for batch processes.*"
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> Applicant's par. 16, lines 25 - 30: "*Furthermore, the part projects Tp 1 and Tp 3, the part projects Tp 1 and Tp 2 and the part projects Tp 2 and Tp 4 are functionally linked, this being indicated in FIG. 1 by means of arrows. For example, the part projects Tp 2 and Tp 4 are functionally linked such that batch data of the*

> *programmable controllers AG 2, AG 3 are to be exported to the operating and observation stations OS 2, OS 3 or such that connection data are to be transferred between the programmable controller AG 1 and the operating and observation station OS 1.*"

Applicant's paragraph 16 teaches that part projects, Tp2 and Tp4, which are developed on two different programming devices 14 and 16 in FIG 1, are functionally linked for operational data transfer between programmable controllers AG1, AG2 and the operating and observation stations OS2, OS3. The term "operational data" means data generated in a process control system during plant operation as described in Applicant's par. 3. Such data is not generated during the development stage. A synonymous term in the specification is "batch data", which is data generated during production of product batches. Batch processing is a known operational stage of manufacturing, as opposed to a program logic development stage. Therefore, the intended meaning of "operational data" is clear and limiting.

Examiner holds that the subject claim language only recites an intended use. However, it is not just an intended use, because it limits the scope of the claim.

> MPEP 2106 I C.: "*The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope.*"

Examiner cites Heili col. 17, line 65 to col. 18, line 20 as disclosing the subject feature. However, these lines of Heili have nothing to do with operational data. They describe coordination of development files, including source files, compilations, assignments, etc. Heili uses the term "processing" to mean developmental processing, such as code compilation -- not operational processing during plant operation.

> Heili col. 8, lines 17-27: "*A wide variety of methods of computing may be practiced within the above design methodology. In particular, parallel processing may be used to enable multiple CPUs to work on different aspects of a design simultaneously and thus reduce the total amount of time it takes to solve the entire design. Parallel processing may be achieved during many of the phases of processing a design such as: multiple compilation points, netlist extraction, hierarchical synthesis, extracted independent region synthesis, general synthesis,*

partitioning, multiple fitters for different chips, partitioning sub-sections within a fitter, library of graph algorithms, etc."

Examiner cites Hoskins col. 1, lines 55-65 as teaching aspects of the subject feature. However, the cited lines of Hoskins merely describe a programmable controller receiving inputs from machine tools, and issuing control signals to those tools to synchronize them. This does not meet the claim limitations at least because no operating and observation station is involved. Furthermore the combination fails because there is no teaching in Heili that different part projects are functionally linked for operational data transfer therebetween, as argued above.

In section 4 of the office action, Examiner cites Heili col. 14, lines 23-51 as teaching the limitations of claims 13, 17, and 22. However, the cited lines do not meet the claims at least because they do not mention a user update request being displayed on each programming device. Applicant's prompting method (display/accept) is distinct from a user of Heili selecting a default or locked state in advance, because Applicant's prompting allows each user to decide at the time an update is available whether or not to allow the update.

For example, a first user of Heili may be in the middle of a sequence of simulations to test various versions of a first design block modified by the first user. If a second design block local to this user is in a default state, it may be updated without warning in the midst of the simulations, invalidating the comparisons. On the other hand, if Heili's first user locks both the first and second design blocks, then no other user can work on the second design block for the duration of development and testing by the first user. Furthermore, the first user in this case does not have the option to accept a new update to the second design block. Thus, the first user may run all simulations, not realizing that a pending update obsoletes them. This does not happen in Applicant's method. These are inherent benefits in Applicant's method of prompting all users to accept an update, as opposed to Heili's method of selecting in advance either "default" (automatically updated) or "locked" (no updates).

716.02(f) Advantages Disclosed or Inherent

"The totality of the record must be considered when determining whether a

> claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made. Therefore, evidence and arguments directed to advantages not disclosed in the specification cannot be disregarded. In re Chu, 66 F.3d 292, 298-99, 36 USPQ2d 1089, 1094-95 (Fed. Cir. 1995)."
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> "We have found no cases supporting the position that a patent applicant's evidence or arguments traversing a § 103 rejection must be contained within the specification. There is no logical support for such a proposition as well, given that obviousness is determined by the totality of the record including, in some instances most significantly, the evidence and arguments proffered during the give-and-take of ex parte patent prosecution." 66 F.3d at 299, 36 USPQ2d at 1095.). See also In re Zenitz, 333 F.2d 924, 928, 142 USPQ 158, 161 (CCPA 1964)."

In the Office Action on page 6, par. 3, Examiner equates Heili's system when used by a single user to Applicant's system when used by multiple users. However, a single user cannot meet the claims, because they recite "at least two programming devices" and either "a respective user via input at each of the programming devices "or "users of all of the programming devices". The whole point of Applicant's method is to facilitate concurrent development by multiple users.

Conclusion

M.P.E.P. 2143.03 provides that to establish prima facie obviousness of a claimed invention, all words in a claim must be considered in judging the patentability of that claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.

As argued above, the proposed combination lacks features claimed in the independent claims and others herein. Thus the proposed combination does not support the obviousness rejections of the claimed invention. Applicant feels this application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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